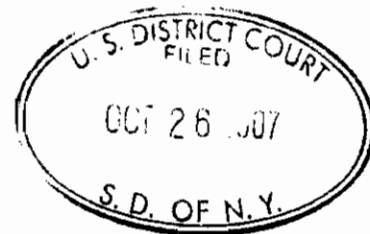


A CERTIFIED TRUE COPY

OCT 22 2007

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**07 CIV 9562** 2007FILED
CLERK'S OFFICE**IN RE: AREDIA AND ZOMETA PRODUCTS LIABILITY
LITIGATION**

MDL No. 1760

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

Ella Tristano v. Novartis Pharmaceuticals Corp., et al.,
D. New Jersey, C.A. No. 2:07-4481

**MDL No. 1760 CONDITIONAL TRANSFER ORDER (CTO-50)
WITH SEPARATION, REMAND AND
MDL No. 1789 CONDITIONAL TRANSFER ORDER (CTO-36)**

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings in MDL No. 1760 pursuant to 28 U.S.C. § 1407. *See* 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 268 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings in MDL No. 1789 pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 90 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the action on this conditional transfer order comprises claims relating to: 1) the prescription drugs Areidia and/or Zometa, which involve common questions of fact with the previously transferred MDL No. 1760 actions; and 2) the prescription drug Fosamax, which involve common questions of fact with the previously transferred MDL No. 1789 actions.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

OCT 22 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

J. MICHAEL MATHIAS

CLERK

BY

A handwritten signature in black ink, appearing to read "J. Michael Mathias".

DEPUTY CLERK

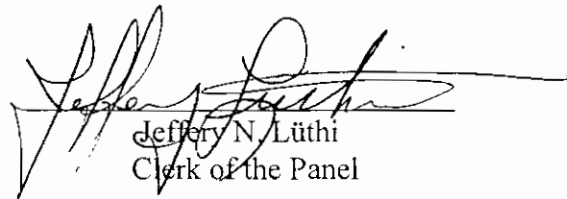
Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the MDL No. 1760 order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in this action relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the District of New Jersey.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Fosamax action is transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the MDL No. 1789 order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the offices of: 1) the Clerk of the United States District Court for the Middle District of Tennessee; and 2) the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerks shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

12BR, RULE16

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:07-cv-04481-SRC-MAS**

TRISTANO v. NOVARTIS PHARMACEUTICALS
CORPORATION et al
Assigned to: Judge Stanley R. Chesler
Referred to: Magistrate Judge Michael A. Shipp
Cause: 28:1441 Petition for Removal- Product Liability

Date Filed: 09/17/2007
Jury Demand: Both
Nature of Suit: 365 Personal Inj.
Prod. Liability
Jurisdiction: Federal Question

Plaintiff

ELLA TRISTANO
*Individually, and On Behalf Of All
Others Similarly Situated*

represented by **WARD S. TAGGART**
MEREDITH, CHASE &
TAGGART, LLC
109 SOUTH WARREN STREET
TRENTON, NJ 08608
(609) 599-9587
Email: ward@mctlawyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**NOVARTIS
PHARMACEUTICALS
CORPORATION**

represented by **ETHAN D. STEIN**
GIBBONS, PC
ONE GATEWAY CENTER
NEWARK, NJ 07102-5310
(973) 596-4500
Email: estein@gibbonslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MERCK & CO., INC.

represented by **BART ALAN WHITLEY**
HUGHES, HUBBARD & REED,
LLP
101 HUDSON STREET
SUITE 3601

JERSEY CITY, NJ 07302-3908
(201) 536-9220
Email:
whitley@hugheshubbard.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/17/2007	1	NOTICE OF REMOVAL by NOVARTIS PHARMACEUTICALS CORPORATION from NJ SUPERIOR COURT MIDDLESEX COUNTY, case number L-6604-07. (Filing fee \$ 350 receipt number 1652886) (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Corporate Disclosure Statement# 7 Civil Cover Sheet)(ld,) (Entered: 09/19/2007)
09/20/2007	2	ANSWER to Complaint by NOVARTIS PHARMACEUTICALS CORPORATION.(STEIN, ETHAN) (Entered: 09/20/2007)
09/20/2007	3	Application and Proposed Order for Clerk's Order to extend time to answer as to Merck & Co., Inc... (WHITLEY, BART) (Entered: 09/20/2007)
09/20/2007		Clerk's extension granted (doc #3)Update Answer Due Deadline as to deft Merck & Co. until 10/09/07 (sr,) (Entered: 09/20/2007)
10/05/2007	4	LETTER ORDER setting an In Person Initial Scheduling Conference for 11/19/2007 02:00 PM before Magistrate Judge Claire C. Cecchi. JOINT DISCOVERY PLAN MUST BE SUBMITTED PRIOR TO THE CONFERENCE. Signed by Judge Claire C. Cecchi on 10/5/07. (nc,) (Entered: 10/05/2007)
10/05/2007	5	STIPULATION <i>and Application for Order Extending Time to Answer, Move or Otherwise Reply</i> by MERCK & CO., INC.. (WHITLEY, BART) (Entered: 10/05/2007)
10/10/2007	6	STIPULATION/ORDER extending time for deft Merck & Co. to answer complt. until 12/08/07. Signed by Judge Claire C. Cecchi on 10/09/07. (sr,) (Entered: 10/10/2007)
10/10/2007		Update Answer Due Deadline as to deft Merck & Co. until 12/08/07 (sr,) (Entered: 10/10/2007)
10/29/2007		Judge Michael A. Shipp added. Judge Claire C. Cecchi no longer assigned to case. (jgb) (Entered: 10/29/2007)

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